

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

MARIA T MILIAN HERNANDEZ

DEBTOR(S)

CASE NO. 14-09594-ESL

CHAPTER: 13

**MOTION REQUESTING DISMISSAL**

**TO THE HONORABLE COURT:**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, Alleges and Prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle HYUND TUCSON GL 2013 registered under number 4188053, executed by debtor(s) on JUNE 22, 2013.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on NOVEMBER 21, 2014.

3. Debtor's(s') Plan was (were) confirmed on OCTOBER 26, 2015. Said Plan proposes to pay pre-petition arrears through Chapter 13 Trustee and debtor(s) will maintain regular payment directly to Movant.

4. However, debtor(s) has (have) breached the aforementioned Plan's proposals. As of today's date debtor(s) show(s) **THREE(3) post-petition arrears on monthly installments corresponding to the months of AUGUST through OCTOBER 2016 for a total amount of post-petition installments due of \$1,760.80.**

5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC §1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

6. The situation above explained is effectively causing undue prejudice to Movant's rights as a holder of a secured claim.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is prejudicial to creditor, is sufficient also cause to warrant the dismissal of debtor's(s') bankruptcy petition.

**WHEREFORE**, it is respectfully requested from the Honorable Court to order the dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition.

**NOTICE TO ALL PARTIES** is herein given to the effect that if no opposition is filed within **THIRTY (30) DAYS** from this notice, the Court may enter an order dismissing the case without further hearing.

#### **CERTIFICATE OF SERVICE**

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **JOSE R. CARRION**, Trustee and **ROBERTO FIGUEROA CARRASQUILLO**, debtor's(s') attorney and that we have sent copy of this document through regular mail to debtor(s) **MARIA T MILIAN HERNANDEZ, JARD DE CERRO GORDO B30 5 STREET SAN LORENZO, PR 00754** and to all non CM/ECF participants interested as per mailing list which is hereby included.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 31st day OCTOBER, 2016.

**/S/ CARLOS E. PEREZ PASTRANA**  
**USDC-208913**  
Attorney for Movant  
PO BOX 21382  
SAN JUAN, PR 00928-1382  
TEL. 787-625-6645 FAX: 787-625-4891  
[cperezp@reliablefinancial.com](mailto:cperezp@reliablefinancial.com)

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**MARIA T MILIAN HERNANDEZ**

**DEBTOR(S)**

**CASE NO. 14-09594-ESL**

**CHAPTER 13**

**MOTION SUBMITTING DECLARATION  
UNDER PENALTY OF PERJURY**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **Felipe Marrero Clemente, Bankruptcy Officer** for **RELIABLE FINANCIAL SERVICES**, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 19 day of OCTOBER, 2016.

**/S/Felipe Marrero Clemente**  
**Bankruptcy Officer**  
P. O. Box 21382  
San Juan, PR 00928-1382  
Tel: (787)625-6717 Fax: (787)625-4891  
fmarreroc@reliablefinancial.com



Status Report  
 Pursuant to Servicemembers Civil Relief Act

Last Name: MILIAN  
 First Name: MARIA TERESA  
 Middle Name:  
 Active Duty Status As Of: Oct-28-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director  
 Department of Defense - Manpower Data Center  
 4800 Mark Center Drive, Suite 04E25  
 Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via this URL: [https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating Service Members or Getting a Mailing Address](https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating%20Service%20Members%20or%20Getting%20a%20Mailing%20Address). If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: 72M172D0J4EC4E0

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Case 14-09594-ESL13  
District of Puerto Rico  
Old San Juan  
Wed Jul 8 16:44:44 AST 2015

EDUCOOP  
PEDRO I TORRES AMADOR ESQ  
PO BOX 364966  
SAN JUAN, PR 00936-4966

RELIABLE FINANCIAL SERVICES  
PO BOX 21382  
SAN JUAN, PR 00928-1382

SCOTIABANK DE PUERTO RICO  
CARDONA JIMENEZ LAW OFFICE PSC  
PO BOX 9023593  
SAN JUAN, PR 00902-3593

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

AEELA  
PO Box 364508  
San Juan, PR 00936-4508

American InfoSource LP as agent for  
DIRECTV, LLC  
PO Box 51178  
Los Angeles, CA 90051-5478

Capital Recovery V, LLC  
c/o Recovery Management Systems Corporat  
25 SE 2nd Avenue Suite 1120  
Miami FL 33131-1605

EDUCOOP  
PO BOX 364966  
SAN JUAN, PR 00936-4966

EduCoop  
Distrito 13 Caguas I  
501 Ponce De Leon  
San Juan, PR 00917-3713

Educoop  
Distrito 13 Caguas I  
Ponce De Leon 501  
San Juan, PR 00917-3713

FEDECOOP  
PMB 709 89 AVE DE DIEGO STE 105  
SAN JUAN PR 00927-6346

GAF Properties Investments Corp  
Sr Rafael A Carrion Rodriguez  
222 Calle Santiago Final  
Gurabo, PR 00778-2419

Nelnet Loans  
PO Box 17460  
Denver, CO 80217-0460

Nelnet on behalf of ASA  
American Student Assistance  
100 Cambridge Street Suite 1600  
Boston MA 02114-2567

Scotiabank De Puerto Rico  
PO Box 362394  
San Juan, PR 00936-2394

Sistema De Retiro Para Maestros  
PO Box 191879  
San Juan, PR 00919-1879

Syncb/Care Credit  
PO Box 960061  
Orlando, FL 32896-0061

US DEPT OF EDUCATION  
CLAIMS FILING UNIT  
PO BOX 8973  
MADISON, WI 53708-8973

Usdoe/Glelsi  
2401 International  
Madison, WI 53704-3121

Vergara & Associates  
Real Estate Management  
Pmb 056 Ave Esmeralda 53  
Guaynabo, PR 00969-4429

Villas Del Soportal En Gurabo  
Carr 181 Bo Celada  
Gurabo, PR 00778

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

MARIA TERESA MILIAN HERNANDEZ  
JARD DE CERRO GORDO  
B30 5 STREET  
SAN LORENZO, PR 00754-4504

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO  
PO BOX 186  
CAGUAS, PR 00726-0186

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